File No. Civ Courts II/49
(N Dept.

K

B BRANCH

Subject:— Notifying under the Bombay Civil Courts Act 1869

P-2

File No. Civ. Courts II/49
(N)

Gen. 194

135-A

1949. **File No.** Cr Courts II/49

Legal Deptt. CN

K

B. BRANCH

Subject:— Notifications under the Bombay Civil Courts Act 1869

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P-2

File No. Cr. Courts II/49

(N)

Gen. 194

135-B

Legal Department.

The draft notification at page 21 ante as amended is in order.

Sd/ J.R.D.

Additional Secretary to Government

U.R. to H.D,No.1235, dated the 2nd February '49.

S.R.R. 5/6/56

4C-

13/6

Legal Department.

There is a legal objection to applying the Bombay Civil Courts Act,1869, to the area in question. That can be done in virture of the po er given by section 1 of the Act. But if the Act is applied to these areas the Civil Courts will acquire jurisdiction not only in matters arising under the Bombay. Agricultural Debtors Relief Act but also in other matters. The Revenue Department will have to consider whether this will be administratively convenient.

Sd/ J.R.D.

Additional Secretary to Government

U.R. to R.D.No.3541, dated the 1st April1949.

E.K.N.6/8/56

4C

Legal Department.

The notification at page 25 ante has been amended, in view of Government decision to empower the Joint Civil Judge (Junior Division), Madha, to hold his court at Madha and Karmala.

Sd/ J. R. D.

Additional Secretary to Government.

U.R. to H.D., No 3984, dated the 12th April 1949.

E.K.N.5/6/56

40.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 23 of the Bombay Civil Courts Act,1869 (XIV of 1869) and in modification of the previous notification on the subject, the Government of Bombay is pleased to appoint Madha and Karmala as the places at which the Joint Civil Judge (Junior Division), Madha, District Sholapur shall hold his court.

E.R.M.5/6/56

Legal Department.

A revised draft notification is sent herewith.

Sd/ J.H.D.

Additional Secretary to Government.

U.R. to H.D.No.6046, dated the 30th May 1949.

E.K.H.5/6/56

4C.

NOTIFICATION.

Home Department,

Bombay Castle, May 1949.

Bombay Civil Courts Act, 1869.

No. - In exercise of the powers conferred by sections 21,22A and 23 of the Bombay Civil Courts Act, 1869 (XIV of 1869), the Government of Bombay is pleased to direct that with effect An and from the - - - - - - - - 1949,

(i) there shall be a civil Court subordiante to the District Court of Kaira, at Anand;

(ii) the said Court shall be presided over by a Civil Judge (Junior Division), who shall hold his Court at Anand;

(iii) (a) the villages of the Anand Taluka in the Kaira District sepcified in the Schedule A hereto appended, at present included in the local limits of the ordinary jurisdiction of the Civil Judge (Senior Division) at Nadiad shall be excluded therefrom:-

(b) the villages of the Anand Taluka in the Kaira District specified in Schedule B hereto appended, at present included in the local limits of the ordinary jurisdiction of the Civil Judge (Senior Division) at Borsad shall beexcluded therefrom:--

(c) the villages at the Anand Taluka in the Kaira District specified in Schedule C hereto appended, at present included in the local limits of the ordinary jurisdiction of the Civil Judge (Junior Division) at Umreth shall be excluded therefrom;

and be included in the local limits of the ordinary jurisdiction of the Civil Judge (Junior Division) at Anand.

Schedule A.

(Here enter A - A at p. 77 ante.)

Schedule B.

(Here enter B - B at p. 77 ante).

Schedule C.

(Here enter C C at p. 77 ante.)

By order of the Governor of Bombay,

Secretary to Government.

E.H.H.5/6/56

4C.

Notification.

Home Department,

Bombay Castle, May 1949.

Bombay Civil Courts Act, 1869.

No. .- In exercise of the powers conferred by section 22 A of the Bombay Civil Courts Act, 1869,(XIVof 1869), the Government of Bombay is pleased to direct that the villages of the Karjat Taluka in the Kolaba District specified in the Schedule here to annexed, at present included in the local limits of the ordinary jurisdiction of the Civl Judge (Junio Division), Murbad in the Thana District, shall with effect from 1 949 be excluded therefrom and be included in the local limits of the ordinary jurisdiction of the Civil Judge (Junior Division)Kalyan in the Thana District.

SCHEDULE.

(Here Insert A-A on p.21.)

By order of the Governor of Bombay,

Secretary to Government.

E.K.N.5/6/56

&c.

Legal Department.

A revised draft notification is sent herewith.

Sd/ J.R.D.

Additional Secretary to Government.

U.O. to H.D. No.6011 dated the 30th May 1949.

B.K.N.5/6/56

40.

Home Department.

Revised draft notifications are sent herewith.

2. The present judicial district of Broach and Panch Mahals consists of two revenue districts of the same time. It will not only be necessary to divide the districts into two judicial districts under section 3of the Bombay Civil Courts Act, but to appoint a Sadar station for each Court under section 4. A separate notification in respect of this district is therefore necessary and has been appended.

3. Notification No.II page 31. The reference to the Panch Mahals dsitriot has been deleted from this notification as a separate notification under sections 3 and 4 of the Act has been prepared for the reasons stated in the preceding paragraph.

4. Notifications Nos.III and IV pages 33-39 ante.- On account of the creation of new talukas out of the areas of themerged states or areas of Indian States which are to form part of the Province under section 290A of the Government of India Act, 1935, or the revision of the existing talukas on account of absorption of states areas or portion thereof in the existing talukas, it has become necessary either to create new Courts or alter the limits of the existing courts to suit the convenience of the litigant public. Under proposed notifications the limits of some of the existing courts will be effected. It will, therefore be necessary to combine the two notifications in one so that a general provision can be made in the notification that the areas now included in the new courts or reconstituted courts shall cease to form part of the local limits of the ordinary jurisdiction of the Court in which they were included immediately before the date of the notification. It appears that draft Notification III includes new Civil Courts of Civl Judges presided over by Civil Judges appointed by the States, which were continued and deemed to be constituted under paragraph 6 of the Indian States (Application of Laws) order 1948, and the Kolhapur State (Application of Laws) Order, 1949. The said paragraph

specifically provides that any Court constituted under any law in force in any Indian State andrepealed by this Order shall be deemed to have been constituted under the corresponding enactment extendend to the Indian states by this Order and that Court shall continue to have all jurisdiction and powers as if that Court was constituted under the corresponding law so extended. In view of this provision all the States Courts functioning after the integration are in law functioning under the Bombay Civil Courts Act and no question of creating new Courts in such areas arises except where it is found that the limits of such courts should be altered in view of the convenience of the litigant public. In that case theproposal amounts to the alteration of the areas of the State Courts concerned which are already deemed to be constituted under the Bombay Civil Courts Act. It is therefore suggested that drafts III and IV should be combined, and where altogether new courts such as the Courts of Civil Judges, Anand and Kalol are created such courts should be specified in the First Schedule, and where mere alteration of limits of the area of Courts is involved such Courts should be specified in the Second Schedule to the revised draft notification. In the two Schedules, however, the e prossion "villages newly added to so and so taluka by Government Notification, Political an Services Department, dated 1949" or "the 35 villages of existing Viramgam taluka" or similar expression appearing in the draft proposed by Political and Services Department at pages 33-39 ante should be replaced by the specific names of villages, or talukas or mahals as they wou stand finally constituted under the notification under section 7 of the Bombay Land Revenue Code. This would enable the public to know exactly what area forms part of the Court which have been newly contituted orreconstituted. If this area is shown specifically then a general provision can be made in the same notification that the areas now included in the newly constituted or reconstituted Courts shall cease to form part of the Court or Courts in which they were included immediately before the date of this notification.

E.K.N.6/6/56

5. Draft Notification V on page 41.- For the reasons stated against draft notification I, the notification in respect of Broach and Panch Mahals has been prepared separately as the question involved is one of dividing one Sessions Division into two Sessions Divisions and appointing the place of each Court for holding its sitting. The Sessions Divisions are to consist of a single judicial district or group of districts. The reference to the notification by which judicial districts have now been constituted (vide No.I) and not to that constituting revenue districts should be made in this notification.

6. Draft Notification VI page 43.- The reference to Panch Mahals Session Division has been delted as the separate notification proposed in the preceding paragrapt in respect of this Division provides for this.

7. Draft Notification No. VII. It is the power of the Court to transfer cases unless similar provisions is made under an order to be issued under section 290A of the Government of India Act. The proposed notifcation cannot be scrutinized until the contents of such order areknown. The Political and Services Department should scrutinize this notification again in the light of the proposed new order under section 290A of the Government of India Act and see if it requires modificati— — the light of thewording of such order.

d/- J.R.D.

Additional Secretary to Govemment.

U.R. to P. & S.D.,No.7257, dated the 30th June 1949.

E.KN.5/6/56

4C.

NOTIFICATION.

Political and Services Department,

Bombay Castle, June 1949.

Bombay Civil Courts Act, 1869.

No. .- In exercise of the powers conferred by section 3 of the Bombay Civil Courts Act, 1869 (XIV of 1869) and in supersession of all the previous notifications in that behalf the Government of Bombay is pleased to alter the limits of the existing judicial districts mentioned in the Schedule hereto appended and to direct that the limits of the said judicial districts shall comprise the limits of the revenue districts of the same name as constituted under Government Notification in the Political and Services Department No. dated the 1949.

SCHEDULE.

1.	Ahmedabad.	8.	Poona.
2.	Banas Kantha.	9.	Ratnagiri.
3.	Belgaum.	10.	Sabar Kantha.
4.	Bijapur.	11.	Satara.
5.	Dharwar	12.	Sholapur.
6.	Kaira.	13.	Surat.
7.	Nasik.	14.	Thana.

By order of the Governor of Bombay.

Secretary to Government.

E.K.N.5/6/56

4C.

NOTIFICATION.

Political and Services Department,
Bombay Castle, June 1949

Bombay Civil Courts Act, 1869.

No. .- In exercise of the powers conferred by sections 3 and 4 of the Bombay Civil Courts Act, 1869 (XIV of 1869) and in supersession of all previous orders on the subject, the ~~Governor~~ Government of Bombay is pleased to abolish the judicial district of Broach and Panch Mahals and in its stead to create two new districts for thepurposes of the said Act, namely:-

(1) The judicial district of Broach comprising the Broach district as constituted by Government Notification in the Political and Services Department No. dated the 1949, having Broach for its Sadar station.

(2) The judicial district of Panch Mahals comprising the Panch Mahals district as constituted by Government Notification in the Political and services Department No. dated the 1949, having Godhara for its sadar station.

By order of the Governor of Bombay.

Chief Secretary to Government.

B.R.N.5/6/56
40.

NOTIFICATION.

Political and Services Department,
Bombay Castle, June 1949.

Bombay Civil Courts Act,

No. .-In exercise of the powers conferred by section 3 and 4 of the Bombay Civil Courts Act,1869,(XIV of 1869), the Government of Bombay is pleased to create thenew judicial districts of Kolaba, Kolhapur and Sangli Comprising the areas of revenue districts of Kolaba, Kolhapur and Sangli respectively as constituted by 1949 and to fix Alibag, Kolhapur and Sangli as the Sadar Stations of the said judicial districts respectively.

By order of the Governor of Bombay,

Chief Secretary to Government.

E.T.H. 5/6/56

40.

NOTIFICATION.

Political and Services Department,
Bombay Castle, June 1940.

Bombay Civil Courts Act 1869.

No. .- In exercise of the powers conferred by section 21, 22A and 23 of the Bombay Civil Courts Act, 1869 (XIV of 1869), the Government of Bombay is pleased to direct that with the effect on and from the date of this notification.

(1)(a) there shall be new Civil courts specified in column 2 of the First Schedule appended hereto subordinate to the District Courts specified against them in column 1 of the said First Schedule, to be, presided over by a Civil Judge specified in column 2 of the said First Schedule who shall hold his Court at the place specified against him in column 4 of the said First Schedule;

(b) the local limits of the ordinary jurisdiction of the Civil Judge of the Court, specified in column 2 of the said first Schedule shall comprise the area specified against it in column 3 of the said First Schedule;

(2) the areas specified in column 3 of the Second Schedule appended hereto shall be included in the local limits of the ordinary jurisdiction of the Civil Judges of the Courts specified in columns and 2 of the said Second Schedule;

(3) the areas specified in column 3 of each of the said First and Second Schedules shall cease to form part of the local limits of the ordinary jurisdiction of the Court or Courts in which they are included immediately before the said date.

FIRST SCHEDULE

Name of the Dist.Court.	Name of the Civil Court.	the ordinary Local limits of Jurisdiction of Civil Judge.	Place for holding the Civil Court.
1	2	3	4

SECOND SCHEDULE.

1	2	3
Name of the Dist.	Name of the Civil Court.	Areas.

By order of the Governor of Bombay,

Chief Secretary to Government.

E.K.N.5/6/56

4C.

NOTIFICATION.

Political and Services Department.

Bombay Castle, June 1949.

CODE OF CRIMINAL Procedure, 1898.

No. .-In exercise of the powers conferred by sub-section (2) of section 7 of the Code of Criminal Procedure 1898, (V of 1898) the Government of Bombay is pleased to alter the limits of each of the following session Divisions and to direct that each such Sessions Division shall consists of the judicial district specified against it as constituted under Government Notifications in the Political and Services Department No. and dated the ix 1949.

Names of Sessions Divisions.	Districts.
1	2
1. Ahmedabad.	1. Ahmedabad.
2. Banas Kantha.	2. Banas Kantha.
3. Belgaum.	3. Belgaum.
4. Bijapur.	4. Bijapur.
5. Dharwar.	5. Dharwar.
6. Kaira.	6. Kaira.
7. Nasik.	7. Nasik.
8. Poona.	8. Poona.
9. Ratnagiri.	9. Ratnagiri
10. Satara.	10. Satara.
11. Sabar Kantha.	11. Sabar Kantha.
12. Sholapur.	12. Sholapur.
13. Surat.	13. Surat.
14. Thana.	14. Thana.

By order of the Governor of Bombay,

E.K.N.5/6/56

4C.

Chief Secretary to Government.

'I

NOTIFICATION.

Political and Services Department

Bombay Castle, June 1949.

CODE OF CRIMINAL PROCEDURE, 1898.

No. .- In exercise of the powers conferred by section 7 and sub-section (2) of section 9 of the Code of Criminal Procedure, 1898(V of 1898) and in supersession of Government Notification in the Home Department No. 3945/3/1, dated the 2nd November 1933, the Government of Bombay is pleased to direct-

(1) that the Sessions Division consisting of the districts named Broach and Panch Mahals shall be divided into two district Sessions Divisions as follows, namely:-

The Sessions Division of Broach consisting of the Judicial District of Broach; and

The Sessions Division f Panch Mahals consisting of the Judicial District of Panch Mahals.

(2) that the Court of Sessions, Broach and the Court of Sessions, Panch Mahals shall hold their sittings at Broach and Godhra respectively

By order of the Governor of Bombay

Chief Secretary to Government.

E.K.N.5/6/56

4C.

NOTIFICATION.

Political and Services Department

Bombay Castle June 1949.

Code of Criminal Procedure, 1898.

No. .- In exercise of the powers conferred by section 7 and sub-section (2) of section 9 of the Code of Criminal Procedure, 1898 (V of 1898) and in supersession of all previous notifications in that behalf, the Government of Bombay is pleased to direct -

(1) that there shall in the Province of Bombay three more Sessions Divisions specified in column 1 of the Schedule hereto appended each of which shall consist of the Judicial district specified against it in column 2 thereof as constituted under Government Notification in the political and Services Department, No.(X)

(here enter Government Notification No. at III ante), and that the Courts of Sessions for the Sessions Divisions, specified in column 1 of the said Schedule shall hold their sittings at Alibag, Kolhapur and Sangli respectively.

SCHEDULE.

1	2
Kolaba.	Kolaba
Kolhapur.	Kolhapur.
Sangli.	Sangli.

By Order of the Governor of Bombay.

Chief Secretary to Government.

NOTIFICATION.

Political and Services Department

Bombay Castle, June 1949.

No. .- In exercise of the powers conferred by para ..... of the order of the Government of India, Ministry of ..... issued under section 290 A of the Government of India Act, 1935, the Government of Bombay is pleased to direct that with effect on and from .....1949.

(a) All Civil appeals, applications and other proceedings pending in any of the Courts of District Judges of any of the States, or of the Districts in the Province or of the Western India and Gujarat Region Rajkot, from the areas which are now included in the local limits of the Districts as constituted under Government Notifications Nos. and dated shall be transferred to courts of the District Judges having jurisdiction over the said areas under the said notifications.

(b) All Civil suits, applications and other proceedings pending in any of the Civil Courts of the States or of the Districts in the Province or of the Western India and Gujarat States Agency from any of the areas now included in the local limits of the ordinary jurisdiction of the Courts of Civil Judges mentioned in Government Notifications Nos. and dated shall be transferred to the Courts of the Civil Judges having jurisdiction in the matter and over the said areas.

) All Sessions cases, Criminal appeals and

applications pending in any of the Courts of Sessions in any of the States, or the Districts of the Province or of the Western India States and Gujarat Region from any of the areas now included in the limits of the Sessions Divisions as constituted under Government Notifications Nos. and dated shallbe transferred to the Courts of Sessions having jurisdiction over the said areas, and all such Courts to which such suits, -- applications, sessions cases, appeals or other proceedings are tranferrred shall have full powers to dispose them of according to law, as if, such suit, application, appeal, proceedings or the session case was originally instituted in or committed to such Court

By orderof the Governor of Bombay

Chief Secretary to the Government of Bombay.

E.K.N.5/6/58

43.

again LEGAL DEPARTMENT

The draft notification at page 47 ante is in order.

Sd/ J. R. D.

Additional Secretary to Government.

U.R. to H.D.No.134-L. dated the 29th September 1949.

E.K.N.5/6/56

4C.

NOTIFICATION.

Home Department,

Bombay Castle, 1949.

Bombay Civil Courts Act, 1869.

No. 7865/5. In exercise of the powers conferred by section 22-A of the Bombay Civil Courts Act, 1869 (XIV of 1869) and in modification of Government Notification, Home Department, No.7865/5, dated the 15th February 1949, the Government of Bombay is pleased to direct that the villages of the Shrigonda Taluka in the Ahmednagar District specified in the Schedule hereto annexed, at present included in the local limits of the ordinary jurisdictionof the court of the Civil Judge (Junior Division), Parner, shall with effect from the be excluded therefrom and beincluded within the local limits of the ordinary juridiction of the Civil Judge (Senior Division),Ahmednagar.

SCHEDULE.

By order of the Governor of Bombay,

Secretary to Government.

E.K.N.5/6/56.

4C.

gal Department.

A revised draft notification is se.. herewith.

Sd/ J.R.D.

Additional Secretary to Govem ment.

U.R. to H.D.,No.12117, dated the 16th November 1949.

E.K.N.S/6/56

4C.

NOTIFICATION.

Home Department;

Bombay Castle, November 1949.

Courts Act, 1869.

No.590/6.- In exercise of the powers conferred by section 22-A of the Bombay Civil Courts Act,1869 (XIV of 1869), and in exercise of the powers conferred by section 22A of the said Act as continued in force by the States Merger (Governors Provinces)Order, 1949, the Government of Bombay is pleased to direct that with effect from the day of 1949,

(i) the villages of Asnera and Tegwa of Amod Taluka, shall be included within the local limits of the Ordinary jurisdiction of the Civil Judge, (Junior Division),Jambusar, and,

(ii) the village Karmali of Broach Taluka shall be included within the local limits of the ordinary jurisdiction of the Civil Judge, (Senior Division) Broach.

By order of the Governor of Bombay,

Secretary to Government.

E.K.N.5/6/56

4C.

OFFICE OF THE R.b.A.

As desired by H.M., I discussed the case with the Hon'ble the Chief Justice with special reference to thepropoaal of gettingthe suits transferred under the provisions of section 24 of the Code of Civil Procedure. The Chief Justice also felt that that course is not free from difficulty inasmuch as power under section 24 can be exercised in this particular group of cases subject to Bombay Act No.LIV of 1949, and since section 6 of that Act makes it obligatory that the pending suits shall be disposed of as if the Act had not been passed, it will not be possible by reference to section 24 totransfer suits which but for the Act could not have been transferred. Moreover, the right of appeal will also be affected It is the intention of the High Court and also of the Act that the appeal should be to the Court where it would have already lain but for that Act.

2. In these circumstances the Chief Justice suggested that the best course would be to leave things as they are, i.e., to continue the suits where they arenow pending, and he also pointed out t hat the First Class Courts having been provided, the hardship would not be so great, as these Courts could not be very f ar off from themxxx other taluka places.

Sd/P.H.Lad.
Remembrancer of Legal Affairs.

B.K.N.5/6/56

4C.